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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JUAN CARLOS ARANO-CASTILLO,
aka "Carlos Arano-Castillo,"
12 aka "Juan Carlos Arano,"

13 Defendant.
14

Case No. 2:23-mj-793-DJA

**ORDER to Extend Deadlines
to Conduct Preliminary Hearing and
File Indictment (Second Request)**

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
16 Frierson, United States Attorney, and Justin Washburne, Assistant United States Attorney,
17 counsel for the United States of America, and Jacquelyn N. Witt, Assistant Federal Public
18 Defender, counsel for Defendant Juan Carlos Arano-Castillo, that the Court schedule the
19 preliminary hearing in this case for no earlier than 35 days from the date of the filing of this
20 stipulation. This request requires that the Court extend two deadlines: (1) that a preliminary
21 hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed.
22 R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a
23 defendant's arrest, *see* 18 U.S.C. § 3161(b).
24

1 This stipulation is entered into for the following reasons:

2 1. The United States Attorney's Office has developed an early disposition
3 program for immigration cases, authorized by the Attorney General pursuant to the
4 PROTECT ACT of 2003, Pub. L. 108-21.

5 2. The early disposition program for immigration cases is designed to: (1) reduce
6 the number of hearings required in order to dispose of a criminal case; (2) avoid having
7 more cases added to the court's trial calendar, while still discharging the government's duty
8 to prosecute federal crimes; (3) reduce the amount of time between complaint and
9 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
10 indictments in immigration cases, which in turn reduces court costs.

11 3. The government has made a plea offer in this case that requires defendant to
12 waive specific rights and hearings in exchange for "fast-track" downward departure under
13 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is
14 indicted and before a preliminary hearing is held.

15 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
16 preliminary hearing within a reasonable time, but no later than 14 days after the initial
17 appearance if the defendant is in custody"

18 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
19 showing of good cause—taking into account the public interest in the prompt disposition of
20 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
21 times"

22 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny
23 information or indictment charging an individual with the commission of an offense shall be
24

1 filed within thirty days from the date on which such individual was arrested or served with a
2 summons in connection with such charges.”

3 7. Mr. Arano-Castillo accepted the “fast track” offer, and the parties expect that
4 the preliminary hearing will not be necessary in light of the upcoming change of plea and
5 sentencing hearing currently scheduled on December 11, 2023, before Judge Jennifer A.
6 Dorsey.

7 8. Accordingly, the parties jointly request that the Court schedule the
8 preliminary hearing in this case no sooner than 35 days from today’s date.

9 9. Defendant is in custody and agrees to the extension of the 14-day deadline
10 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
11 § 3161(b), provided that the information or indictment is filed on or before the date ordered
12 pursuant to this stipulation.

13 10. The parties agree to the extension of that deadline.

14 11. This extension supports the public interest in the prompt disposition of
15 criminal cases by permitting defendant to consider entering into a plea agreement under the
16 United States Attorney’s Office’s fast-track program for § 1326 defendants.

17 12. Accordingly, the additional time requested by this stipulation is allowed
18 under Federal Rule of Criminal Procedure 5.1(d).

19 13. In addition, the parties stipulate and agree that the time between today and
20 the scheduled preliminary hearing is excludable in computing the time within which the
21 defendant must be indicted and the trial herein must commence pursuant to the Speedy
22 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
23 § 3161(h)(7)(B)(i) and (iv).

14. This is the second request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 16th day of November, 2023.

Respectfully submitted,

RENE VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Jacquelyn N. Witt

/s/ Justin Washburne

JACQUELYN N. WITT
Assistant Federal Public Defender
Counsel for Defendant
Juan Carlos Arano-Castillo

JUSTIN J. WASHBURNE
Assistant United States Attorneys

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN CARLOS ARANO-CASTILLO,
aka "Carlos Arano-Castillo,"
aka "Juan Carlos Arano,"

Defendant.

Case No. 2:23-mj-793-DJA

**ORDER on Stipulation
to Extend Deadlines to Conduct
Preliminary Hearing and File
Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on November 20, 2023 at the hour of 4:00 p.m., be vacated and continued to December 22, 2023, at 4:00 p.m., Courtroom 3A.

DATED this 17th day of November, 2023.



HONORABLE DANIEL ALBREGTS
UNITED STATES MAGISTRATE JUDGE